



DATE: October 7, 2009
TO: All CWA 1168 Health Care Members
FROM: CWA 1168 Executive Board
RE: **Latest State Mandated Influenza Vaccine Information**

On October 1st, 2009, CWA leadership met with Kaleida to begin negotiations regarding the effects of the NY State Influenza Vaccine Mandate (Seasonal flu presently and H1N1 to follow). Representatives of both the Local and the National are coordinating efforts with several other unions and NYCOSH (New York Committee for Occupational Safety and Health) to address the mandatory vaccination regulation. We believe the mandate is seriously flawed and should be withdrawn. Be assured that your Union is working tirelessly on this issue. Please refer to the excerpt of the press release and letter to Commissioner Daines printed below. The full press release and letter can be viewed on our website at www.cwa1168.org.

Over 25 labor unions and occupational health and safety clinics and organizations, representing hundreds of thousands of healthcare workers throughout the state, called upon New York State Health Commissioner Richard Daines to withdraw a recently issued regulation making influenza vaccination a mandatory condition of employment.

In a letter sent to Daines on Friday, the NYCOSH Pandemic Flu Task Force charged that the Department of Health (DOH) regulation, which requires mandatory flu vaccinations for healthcare workers for the seasonal flu and the H1N1 virus, "is seriously flawed and should be withdrawn."

The letter stated, "Healthcare institutions need comprehensive influenza control programs." These programs address issues that include how facilities will prevent the spread of infection in emergency room waiting areas, the availability of personal protective equipment to protect workers from becoming infected and engineering controls to isolate contagious patients. "The DOH regulation does not address any of these critical influenza infection control issues," the letter said. It stated further that these failures "may actually contribute to the spread of disease and infection of patients and staff."

The letter noted that many surveys have already documented that healthcare workers may not show up for work if effective infection control programs are not in place. Requiring vaccination, as a condition of employment, could "cause a backlash among affected healthcare workers who are concerned about vaccine safety and their right to refuse an invasive procedure."

"This ill-conceived regulation imposed by the NYS Health Commissioner ignores the ability to control the spread of influenza through appropriate and established workplace practices and controls of which a voluntary vaccination program should be included," said Christopher Shelton, vice president, Communications Workers of America, District 1. "The NYS Health Commissioner shows a blatant disregard for health care workers who are being notified, 'Be vaccinated or be fired,'" Shelton added.

"Why isn't the Department of Health requiring a comprehensive infection control program which includes provision of appropriate personal protective equipment and worker training, engineering controls, the elimination of punitive sick-leave policies and education concerning good hygiene practices? Making vaccination a term and condition of employment appears punitive rather than motivational," said Joel Shufro, Executive Director, New York Committee for Occupational Safety and Health (NYCOSH). The letter also points out that the Centers for Disease Control (CDC), the Society for Healthcare

Epidemiology of America, and other agencies endorse a voluntary approach to immunizations. "Members of the NYCOSH coalition fully agree with the approach these agencies endorse. Well designed programs can achieve voluntary vaccination rates and adherence to a comprehensive infection prevention program upwards to 80%," the letter said.

The NYCOSH Pandemic Flu Task Force recommends New York State Department of Health to:

- Withdraw regulations mandating healthcare personnel to receive flu vaccinations;
- Create a task force of stakeholders to assist in the development of a more effective, comprehensive approach to preventing the spread of influenza;
- Revise DOH guidelines on respiratory protection for workers to more clearly state the need for a hazard assessment when selecting the proper level of protection; and
- Establish the N-95 respirator as the minimum level of protection for direct care of patients, residents and clients who are suspected or confirmed to have an infectious respiratory illness.

Remember, the state mandated the influenza vaccines. The employers are required to implement the guidelines set forth by the New York State Department of Health.

Please feel free to call the Governor and the News to report your objections of the STATES MANDATE!

Governor Patterson: 1-518-474-8390

Feel free to call the Office for further information (716) 816 – 1168.

